

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed February 13, 2004. In order to advance prosecution of this case, Applicants amend Claims 16, 30, 33, 35, 55, 58, and 61. Applicants cancel Claims 1-15 without disclaimer or waiver. Applicants previously cancelled Claims 4, 17, and 25-27 without prejudice or disclaimer. Applicants respectfully request reconsideration and favorable action in this case.

Allowable Subject Matter

Applicants note with appreciation the Examiner's allowance of Claims 28-29 and 42-54. Applicants also note with appreciation the Examiner's indication that Claims 16, 18-24, and 55-62 would be allowable if rewritten to overcome the § 112, second paragraph rejections. Although Applicants traverse several of the Examiner's §112 rejections, as discussed below, Applicants amend the rejected claims for the purposes of expediting prosecution of the Application. Thus, all remaining claims are in condition for allowance, in accordance with the Examiner's indications.

Section 112 Rejections

The Examiner rejects Claims 30-41, 16, 18-24, and 55-62 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

With respect to Claim 16, the Examiner asserts, in part, that in regards to the last two lines of the claim, “it is not clear if these step [sic] further limit the first step or the third step.” *Office Action*, p. 2. Applicants amend Claim 16 to address this concern.

Additionally, with respect to Claim 16, and also with respect to Claims 55, 58, and 61, the Examiner asserts that “[i]t is not clear if the second step occurs before the first step and whether the code is sent to over a network other than the data network.” *Office Action*, pp. 2-3. Applicants respectfully note that 35 U.S.C. § 112 requires only that the claims “particularly point out and distinctly claim[] the subject matter which the applicant regards as his invention.” 35 U.S.C. § 112 does not require that Applicants unnecessarily limit the scope of the relevant claims with respect to the ordering of the claimed steps or with respect to whether the code is sent over the data network or another network.

Thus, Applicants respectfully traverse this rejection of Claim 16 and the Examiner’s rejection of Claims 55, 58, and 61 under 35 U.S.C. 112. To expedite prosecution of this Application, however, Applicants amend Claims 16, 55, 58, and 61 as indicated above. Applicants respectfully note that, as the Applicants have traversed this rejection, the amendment does not relate to the patentability of Claims 16, 55, 58, and 61 with respect to 35 U.S.C. § 112. Furthermore, Applicants also wish to note that Applicants make the indicated amendments without waiver or prejudice and reserve the right to pursue broader subject matter than that presently claimed through the filing of continuations and/or other related applications.

With respect to Claim 30, the Examiner asserts that “applicant claims first and second networks and a the [sic] circuit switched network. Based on the figures it is clear that one of the networks is a data network (first network). It is not clear what the second network represents.” *Office Action*, p. 2. Applicants respectfully note that the Examiner is improperly reading limitations of the specification into the claim language. The language of Claim 30 does not specify that either the first network or the second network is a data network. Thus,

Applicants respectfully note that, according to the language of Claim 30, either, both, or neither of first network and second network may represent a data network.

Furthermore, Applicants again respectfully note that 35 U.S.C. § 112 requires only that the claims “particularly point out and distinctly claim[] the subject matter which the applicant regards as his invention.” Moreover:

Breadth of a claim is not to be equated with indefiniteness. If the scope of the subject matter embraced by the claims is clear, and if applicants have not otherwise indicated that they intend the invention to be of a scope different from the defined in the claims, then the claims comply with 35 U.S.C. 112, second paragraph.

MPEP § 2173.04 (citation omitted).

Nothing in the specification or the surrounding language of Claim 30 necessitates further limiting the claim element in question. Moreover, Applicants have not attempted to limit the scope of the claim to embodiments where the first network and/or the second network are circuit-switched networks, nor to exclude such embodiments. Applicants respectfully note that, according to the language of Claim 30, either, both, or neither of the first network and the second network may represent a circuit-switched network. Conversely, the plain language of Claim 30 does not require that the claimed circuit-switched network necessarily represent either of the first network and the second network. Claim 30 properly leaves open the possibility that the “circuit switched network” may represent the first network, the second network, or an unspecified third network.

Thus, Applicants respectfully traverse the Examiner’s rejection of Claim 30 under 35 U.S.C. 112. To expedite prosecution of this Application, however, Applicants amend Claim 30 as indicated above. Applicants respectfully note that, as the Applicants have traversed this rejection, the amendment does not relate to the patentability of Claim 30 with respect to 35 U.S.C. § 112. Furthermore, Applicants make the indicated amendments without waiver or prejudice and reserve the right to pursue broader subject matter than that presently claimed through the filing of continuations and/or other related applications.

Section 103 Rejections

The Examiner rejects Claims 1-2, 9-16, and 22-24 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,377,570 issued to Vaziri et al. ("*Vaziri*"). The Examiner rejects Claims 5-6 as being unpatentable over *Vaziri* in view of U.S. Patent No. 6,584,094 issued to Maroulis et al. ("*Maroulis*"). The Examiner rejects Claim 7 under 35 U.S.C. § 103(a) as being unpatentable over *Vaziri* in view of U.S. Patent No. 6,452,922 issued to Ho ("*Ho*"). The Examiner rejects Claim 8 under 35 U.S.C. § 103(a) as being unpatentable over *Vaziri* in view of *Ho* and U.S. Patent No. 6,603,758 issued to Schmuelling et al. ("*Schmuelling*"). Applicants cancel Claims 1-15 without waiver or prejudice. Applicants respectfully note that Applicants reserve the right to pursue the subject matter of the canceled claims through the filing of continuation or other subsequent applications.

With respect to the rejection of Claims 16 and 22-24, Applicants believe this to be an unintentional error. Applicants respectfully note the Examiner's conditional allowance of these claims contingent on Applicants addressing the Examiner's 35 U.S.C. § 112 rejection. *Office Action*, p. 8. Additionally, Applicants note that the alleged grounds for the 35 U.S.C. § 103 rejection of Claim 16 are "the same reasons as claim 1" (*Office Action*, p. 5), despite the clear differences in the scope of Claim 16 and Claim 1. For these reasons, Applicants believe the §103 rejection to be an unintentional mistake. If Applicants' belief is incorrect, notice of such is requested.

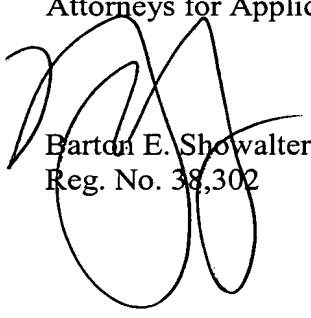
Conclusions

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

The Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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